

Chart 1. Proposed Slamming Rule, Federal Code, Arizona Law and other related state rules

NOVEMBER STAFF PROPOSAL	FEDERAL CODE	ARIZONA STATUTE	OTHER STATES
1901-Definitions: 1. Authorized Carrier 2. Commission 3. Customer 4. Customer Account Freeze 5. Executing Tele-Carrier 6. Letter of Agency 7. Subscriber 8. Telecommunications Carrier 9. Unauthorized Carrier 10. Unauthorized Change 11. Unauthorized Charge	Definitions: 1. Submitting carrier 2. Executing carrier 3. Authorized carrier 4. State Commission 5. Relevant Gov. Entity	Definitions: 1. Ancillary service provider 2. Commission 3. Local Telecom provider 4. Long distance telecom Provider	Definitions: 1. Ancillary service provider 2. Authorized carrier 3. Commission 4. Executing carrier 5. Local Telecom provider 6. Long distance telecom Provider 7. Relevant Gov. Entity 8. State Commission 9. Submitting carrier 10. Unauthorized carrier 11. Unauthorized change <i>See New Hampshire, Texas, Colorado, Nebraska, Missouri.</i>
1903 -Application: Telecom companies, wireless when required to provide equal access, Interstate w/adoption of FCC rules.	Application: Telecom Companies, Wireless when required to provide equal access (64.1120 a. 3, and 47 USC 332 (c) (8))	Application: Title 44 statute does apply to wireless nor does it prohibit ACC regulation of wireless services	Other states apply slamming rules to that states' customers telecommunications carriers and telecommunications utilities
1904-Company Change Procedures: 1. No change without authorization 2. Keep Record for 12 Months 3. No Customer Contact by Executing carrier 4. Execute change promptly, no	64-1120 Verif. Telecom Service 1. No change without authorization. 2. Keep verification records for 24 months. 3. No Customer Contact by Executing carrier.	ARS 44-1572 Long Distance No change without authorization established by Commission.	See-Colorado CCR 723-2-25 within 3 days of customer request, must confirm by postcard within 14 days. See New Hampshire- PUC 412.03. See Texas-Sec. 26.130 Changes in pref. Telco utility Authorization. Automatic Number Identification/Toll

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liability for process of Unauthorized Change. 5. Obtain authorization w/single contact	4. Execute change promptly 5. Obtain authorization w/single contact		Free Number
1905 Verification 1. Written or Internet. 2. Voice recorded. 3. Independent Third Party verification. 4. Written is separate document, sole purpose is change, signed and dated. 5. Letter of Agency, w/check, customer notice, not contain promotional language. 6. Electronic Letter of Agency OK. 7. Voice record- confirm ID, authorized, requests change, with specifics. 8. Third party- Independent, record ID, authorized, requests change, with specifics.	64.1120 (C) Order confirmation 1. Written or Internet. 2. Voice recorded, from the telephone number to be changed. 3. Independent Third party verification. 4. Letter of Agency (64.1130) separate doc, sole purpose, no inducements of any kind, Check OK w/Customer notice. 5. Voice recorded- confirm ID, requests change, name of carriers, telephone numbers to be switched, est. separate 800 number w/Automatic Number Identification. 6. Third party- Independent, Carrier Sales rep must drop off, Retain records for 24 months.	ARS 44-1572 (A) (1) Comply with confirmation procedures of ACC and FCC. (L) (3) ACC may allow written or electronic recorded verification. (L) (3) (b) Verification shall not contain any inducement different from initial offer. (A) (3) Shall not use a sweepstakes. (A) (4) Requires authorization to be clear, 10 point bold type.	Texas-Verification Third Party Verification Letter of Agency- no inducements of any kind, no promotional language, may contain check with clear authorization, prescribes Letter of Agency language. Records for 24 months. New Hampshire- Letter of Agency separate doc, no promotional language.
1906 Notice of Change , Billing insert or bold notification of authorized change within 30 days.	No Fed. Requirement for subsequent customer notification	ARS 1572 (B) Shall notify customer within 30 days.	See Colorado CCR 723-2-25 within 3 days of customer request, must confirm by postcard within 14 days, if not order is deemed cancelled.

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<p>1907 Unauthorized Changes,</p> <ol style="list-style-type: none"> Subscriber to notify Unauth. Carrier within 60 days. Unauth. Carrier to take all action within control to return, 5 days. Pay all charges associated with returning customer to authorized carrier. Absolve charges incurred if not paid for 60 days. Forward Billing info to Author. Carrier, MAY bill for service at authorized rates. Refund 150% of unauthorized charges paid to the authorized carrier for credit to subscriber's authorized charges. No disconnection during Slam dispute. Customer to pay all charges not in dispute. Retain record for 12 months. 	<p>64.1150 Resolution of Unauthorized Change</p> <ol style="list-style-type: none"> No limit on subscriber notification period, (d) authorizes shorter period to provide verification 64.1140 Absolution-charges not paid (b) 30 days (c) carrier may challenge, requires complaint a state level w/in 30 days, failure results in reinstate. of charges, All billing info beyond 30 days, forward to Authorized Carrier. Authorized Carrier MAY bill @ authorized rates OR @ 50% of Unauthorized Carrier rate, subscriber may reject. <p>64.1170 Reimbursement for charges paid</p> <ol style="list-style-type: none"> State commission to issue order, require 150% of all charges paid, copies of all bills, to affected parties. Within 10 days Authorized Carrier to provide refund or credit of 50% of all charges paid to Unauthorized Carrier, Subscriber option to request re-rate, seek additional refund if re-rate exceeds 50% refund on Unauth. Charges. No refund or credit unless received 	<p>ARS 1572 (A)(2) Provider shall process complaint change order within reasonable period of time.</p> <p>ARS 1572 (C) Customer does not have to pay any unauthorized charges for first 90 days.</p> <p>ARS 1572 (H) Unauthorized Carrier to pay all cost to switch customer back.</p> <p>ARS 1572 (D) If customer has paid unauthorized charges, Unauthorized Carrier is liable to Authorized Carrier to <u>equal amount</u>.</p> <p>ARS 1572 (E) Customer may recover unauthorized charges from Unauthorized Carrier, OR request Authorized Carrier to recover- carrier to refund credit to customer bill for any amount recovered in excess of authorized charges.</p>	<p>See Oklahoma If user paid, Unauthorized Carrier, Carrier pays 150% to authorized carrier, if non-paid subscriber- Absolution 30 days, non-pay.</p> <p>See Texas- provide all records, pay orig. telco any amount paid, return to customer w/in 30 days any amount paid, for first 30 days, and amount excess of authorized for next 30, remove unpaid charges.</p> <p>See Wash. Unauthorized carrier receives no payment, promptly refund any amount collected, customer MAY be rebilled at authorized rates.</p> <p>Nebraska Title 291- forward to authorized carrier amount equal to all charges paid, charges to return subscriber, copies of all bills- follows FCC refund.</p> <p>Missouri- 4 CSR 240-33.150- unauthorized carrier liable to subscriber's authorized carrier in amount equal to all charges paid.</p> <p>See- New Hamp- PUC 412.04 Liability consistent with FCC</p> <p>Texas, Nebraska, New Hampshire, Colorado, Missouri and Oklahoma retain records for 24 months.</p>

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	<p>from Unauthorized Carrier.</p> <p>4. Authorized Carrier to inform Commission within 45 days of order, if Unauthorized to comply and allow subscriber to pursue claim.</p>		
<p>1908 Notice of subscriber rights.</p> <p>1. Provide each subscriber, as new customer, in telephone directory, on Website.</p> <p>2. Includes Contact Info.</p> <p>3. Description of prohibitions.</p> <p>4. Remedies.</p> <p>5. Reporting.</p>	FCC - Truth in Billing Requirements and Federal Trade Commission.	No Requirement	See-Colorado CCR 723-2-25 within 3 days of customer request, must confirm by postcard within 14 days.
1909 Account freeze , LEC to offer on nondiscriminatory basis, separate authorization, confirmed, no charge, maintain record for 24 months.	64.1190 Preferred carrier freeze- LEC to offer on nondiscriminatory basis, separate authorization, confirmed, does not require jurisdiction to LEC freeze.	No Freeze requirement	See New Hampshire, Texas, Nebraska, Oklahoma, Washington, Colorado, Missouri

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<p>1910 Informal Complaint Process</p> <ol style="list-style-type: none"> 1. May file within 90 days of notice of slam. 2. In writing, telephone or e-mail. 3. Information to process. 4. ACC Staff to assist possible resolution. 5. Notify affected carriers of complaint. Require response in 5 days. Documentation of authorization within 10 days. 6. Staff to review and notify parties of findings. 7. Party may appeal, or make formal complaint. 	<p>64.1150 Procedures for resolution-</p> <ol style="list-style-type: none"> 1. Executing Carrier that is notified of slam, to notify affected carriers, direct subscriber to FCC or State Com. 2. State Commission will notify unauthorized carrier, order carrier remove all unpaid charges pending determination of slam. 3. Carrier, within 30 days (“or such lesser time as is required by the state commission”), to provide proof of authorization. <p>64.1140</p> <ol style="list-style-type: none"> 1. Absolution-charges not paid(b) 30 days (c) carrier may challenge, requires complaint at state level w/in 30 days, failure of customer to file results in reinstatement of charges. 2. All billing info beyond 30 days, forward to Authorized Carrier. 3. Authorized Carrier MAY bill @ authorized rates OR @ 50% of Unauthorized Carrier rate, subscriber may reject. <p>64.1170 Reimbursement for charges paid</p> <ol style="list-style-type: none"> 1. State commission to issue order, require 150% of all charges paid, copies of all bills to affected parties. 2. Within 10 days Authorized Carrier to 	<p>ARS 1572 (A)(2)</p> <p>Provider shall process complaint change order within reasonable period of time.</p> <p>ARS 1572 (F) Allows for use of independent dispute resolution program.</p> <p>ARS 1572 (G) After customer complains, inform them of options in dispute resolution program.</p>	<p>See Nebraska Title 291, Chap 5 004.08 Enforcement-Complaint with Commission shall be filed by subscriber’s authorized carrier, or by Subscriber, within 20 days of receipt of Answer Commission shall hold hearing, may impose penalty.</p> <p>Retain records for 24 months.</p> <p>See Oklahoma- 165-19-1.4 “shall direct that end-user to the Commission for resolution of the complaint” Commission will notify carrier and order carrier to remove all unpaid charges for first 30 days.</p> <p>Charges in excess of 30 days- forward billing info to authorized carrier.</p> <p>Oklahoma- neither authorized or unauthorized carrier may pursue any collection against the end-user.</p>

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	<p>provide refund or credit of 50% of all charges paid to Unauth. Carrier, Subscriber option to request re-rate, seek additional refund if re-rate exceeds 50% refund on Unauthorized Charges.</p> <p>3. No refund or credit unless received from Unauthorized Carrier.</p> <p>4. Authorized Carrier to inform Commission within 45 days of order, if Unauthorized Carrier failed to comply and allow subscriber to pursue claim.</p>		
<p>1911 Compliance and Enforcement</p> <p>If ACC finds violation, ACC may impose penalties. Penalties are in addition to all other causes of action, remedies and penalties.</p>	<p>64.1195- Failure to register could result in revocation or suspension of operating authority.</p>	<p>ARS 1572 (I) After hearing, if ACC finds violation, ACC may impose civil penalty \$7,500 – 15,000,</p> <p>Penalties are in addition to all other causes of action, remedies and penalties</p>	<p>Nebraska- Title 291, Chap 5 004.08 Enforcement- \$2,000 per Violation.</p> <p>Others-Penalties are in addition to all other causes of action, remedies and penalties.</p>
<p>1912 Waiver available upon showing of public interest.</p>	<p>No Wavier available</p>	<p>No Waiver available</p>	<p>No specific waiver found</p>